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# **FUTURE WAR PAPER**

**TITLE: THE NATIONAL GUARD – DOD’S LOGICAL HOMELAND SECURITY  
“FIRST RESPONDER” FOR THE 21<sup>ST</sup> CENTURY**

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## EXECUTIVE SUMMARY

TITLE: THE NATIONAL GUARD – DOD’S LOGICAL HOMELAND SECURITY  
“FIRST RESPONDER” FOR THE 21<sup>ST</sup> CENTURY

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THESIS: The Pentagon should formally refocus the National Guard’s primary mission to homeland security issues, specifically consequence management matters. Furthermore, this organization should function as DoD’s lead agency for this critical task and accordingly provide permanently assigned forces to NORTHCOM for contingency execution.

DISCUSSION: The events of 9/11 demonstrated the Defense Department’s lack of formalized contingency response to a direct attack on U. S. territory. The Bush Administration, in an effort to prevent recurrence, created a Department of Homeland Security and implemented an overall strategy, which included: perimeter security of the borders, preventive measures within the country, protection of high value domestic infrastructure and consequence management to enable recovery. The Pentagon released its *Report on the Quadrennial Defense Review* (QDR) just days after this terrorist incident, declaring defense of the homeland to be “the Department’s primary mission.” The force structure mandated by the latest QDR requires a continued near-term reliance on DoD’s *Total Force Concept* to maintain current operational tempo abroad, however. This presupposes persistent reliance on the armed forces’ reserve and National Guard infrastructure to meet these commitments.

The Army and Air National Guard are unique among the world’s reserve military forces, combining both federal and state functions. The Army National Guard (ARNG), over 350,000 strong and the largest of the nation’s seven organized reserve components, performs primary federal mission as reinforcing element for the Total Army and performs state function as necessary under the command of their governor. The Air National Guard (ANG), over 99,000 strong and supported by over 24,000 full time support personnel, recently assumed complete responsibility for NORAD’s CONUS air defense. Consisting of over 3,400 company sized units located in all states, Puerto Rico, the Virgin Islands, the District of Columbia and Guam, the Guard functions as a vital link between the citizenry and government.

The National Guard Bureau (NGB) assumes fiscal and administrative responsibility to train and equip the force in support of the federal mission. Under the current director, several organizational improvements to more effectively align the Guard to a homeland defense construct were initiated. These include full spectrum vulnerability assessment, response, WMD civil support teams, CBRNE response forces and STARC reorganization as a joint force headquarters. Most AR and ANG units, predominantly trained and equipped to mirror the active component, remain linked to the active force through the Roundout / Affiliation / CAPSTONE Programs.

NGB initiatives, while a step in the right direction, represent limited response. To leverage maximum response capability to an attack on the homeland, STARCs should regionalize (FEMA model provides example). Updated divisional command structure enables formation of National Guard “capability sets” designed to provide consequence

management relief to local communities in the event of attack. Regional area and divisional organization provide available JTF and component commands for apportion/assignment to NORTHCOM for training and execution of contingency. The NGB assumes complete responsibility to train and equip the force (currently shared with the active duty Army), while District/Regional Guard Headquarters provides plug-in to NORTHCOM's JFHQ-HLS.

CONCLUSION: The current National Guard has two roles – one as the constitutional militia in 54 states, territories and DC and the other as Reserve Components of the Army and the Air Force. The 21<sup>st</sup> Century threat presents unique challenges to America's security establishment and necessitates an update to the role and mission assigned our National Guard forces. Current DoD initiatives to maintain Cold War Roundout / Affiliation Programs and redesign traditional divisional organization into deployable brigade sets ignores the Guard's potential, usefulness and traditional mandate to protect the homeland. A consequence management response posture is necessary, with "regionalization" of the National Guard's command structure and assets providing "capability sets" for immediate relief of affected communities and to establish conditions for federal follow-on emergency management services. Because the newly created NORTHCOM retains DoD responsibility for security of the North American continent, it simply makes sense to apportion and/or assign Guard forces to this combatant commander for this purpose. The changes recommended combine the Guard's traditional foundation of service to the community with immediate relevancy; "capable and accessible when called...committed to preserving the timeless traditions and values of service to the nation..."



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## **INTRODUCTION**

For the United States, the nature of warfare changed drastically on September 11, 2001 when the homeland became a major theater of war. These events demonstrated the Defense Department's lack of formalized contingency response to a direct attack on U. S. territory. Interestingly, the Pentagon released its *Report on the Quadrennial Defense Review* (QDR) just days after this terrorist incident, declaring defense of the homeland to be "the Department's primary mission."<sup>1</sup> Correspondingly, the Secretary of Defense outlined a plan to identify the Pentagon's responsibilities in the National Defense Authorization Act for Fiscal Year 2002. While establishing a separate unified command for defense of United States territory (NORTHCOM), assigning air defense responsibility to the North American Aerospace Defense Command (NORAD) and reiterating availability to support other civil support lead federal agencies, apportionment and assignment of forces/capabilities was not designated.

The current *National Security Strategy of the United States* provides a strategic framework for prosecution of the current "War on Terrorism" by militarily "identifying and destroying the threat before it reaches our borders."<sup>2</sup> The force structure mandated by the latest QDR requires a continued near-term reliance on DoD's *Total Force Concept* to maintain current operational tempo abroad. This presupposes persistent reliance on the armed forces' reserve and National Guard infrastructure to meet these commitments. Today, planners must prepare for future war on two or more fronts, including home and abroad, the military must organize for homeland security without compromising the ability of the armed forces to carry out missions overseas.

Because the very name itself inherently suggests domestic protection, the Pentagon should formally refocus the National Guard's primary mission to homeland security issues, specifically consequence management matters. Already possessing an established divisional structure and

localized, consolidated response capability, this organization can function as DoD's lead agency for this critical task and accordingly provide permanently assigned forces to NORTHCOM for contingency execution. Enjoying both constitutional authority and historical precedent, the Guard is uniquely positioned to ensure the seamless operational integration of defense support capabilities with those of the civil sector.

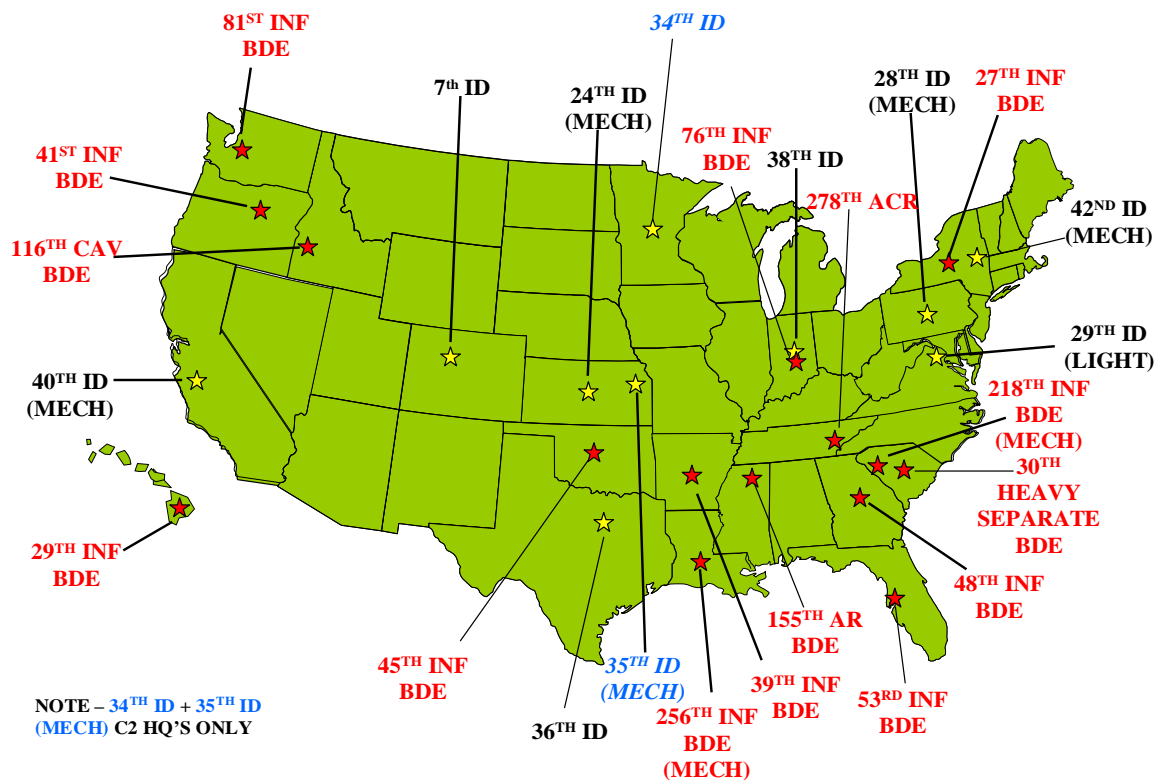
The National Guard's community presence enables establishment of continuous working relationships with neighborhood first responders and state/local authorities prior to potential attack. Concurrently, the Guard's unique federal-state status provides the organization flexibility as DoD's primary provider of Military Support to Civilian Authorities (MSCA)<sup>3</sup> for natural and man-made disasters, civil disturbances and other homeland security events requiring military assistance. Units are located in every American locality and possess the capabilities, legal authority and structure to respond to attacks on the homeland. Because homeland security must be factored as part of any future comprehensive war effort, the Guard should remain in the United States as an integral element of the Total Force.

#### **NATIONAL GUARD STRUCTURE AND MISSION**

*"The National Guard will remain, first and foremost, a provider of ready, trained, and equipped warfighting units to combatant commanders through the Army and the Air Force." National Guard 2005 Posture Statement<sup>4</sup>*

The Army and Air National Guard are unique among the world's reserve military forces, combining both federal and state functions. The Army National Guard (ARNG) is the largest of the nation's seven organized reserve components, consisting of over 3,400 company and detachment-sized units located in more than 2,600 communities in all states, Puerto Rico, the Virgin Islands, the District of Columbia and Guam. In support of this posture, the ARNG operates 248 state training sites of various sizes. Currently, the ARNG consists of 353,045 soldiers assigned to ten divisions (two, 34<sup>th</sup> and 35<sup>th</sup> Mech are command and control headquarters only),

fifteen Enhanced Separate Brigades (ESB's – general mission focus “sets” for theater deployment contingency), two separate brigades, two Special Forces Groups, one Scout Group and hundreds of combat support and service support units.<sup>5</sup> Overall, the force composition is 52 percent combat, 17 percent CS, 22 percent CSS, and 9 percent table of distribution and allowances (TDA) units, typically state headquarters units.<sup>6</sup>



**Figure 1. Army National Guard Division and Enhanced Separate Brigade HQ Locations**

Source – Army National Guard Website

Combatant Command OPLAN force apportionment is supported by overseas garrisons and deployable CONUS units. The provisions established in DoD's 1993 “Bottom Up Review” (BUR), established the ARNG as the active component's principal reserve in readiness.<sup>7</sup> Selected ARNG elements (predominantly ESB's) participate with the active Army through the Affiliation Program<sup>8</sup> and deploy as an additional element of the active Army organization. ESB's receive

priority for manning, modernization and resources over other ARNG combat elements, capable of deployment within ninety days of mobilization. The division units are expected to require greater wartime preparation (greater than one-hundred twenty days), fulfilling responsibility as an initial strategic reserve.

Under an initiative sponsored by the current administration and managed by Army Chief of Staff General Peter J. Schoomaker, this structure will evolve over the next five years to reflect “Total Army” reorganization, specifically “transformation” of the standing divisional configuration. Planned ARNG disposition includes abolition of existing divisions and redistribution of assets to create thirty-two standardized brigade combat teams and one independent Stryker brigade combat team to function as “round out” elements for the regular Army’s ten main combat divisional structure.<sup>9</sup> Combined with the active force’s planned forty-three refashioned brigades, this rearrangement reflects over forty percent of the total force’s combat formations.

Direct supervision of the ARNG is the responsibility of each state adjutant general (TAG), a state official who generally holds state cabinet position and commands Guard troops for his governor when not under federal control. TAG’s utilize a State Area Command (STARC) as the mobilization entity in each state and territory. Most of the ARNG’s training is directed to support the federal mission, but increased emphasis is placed upon state assistance during civil disturbance, emergencies and disaster.<sup>10</sup>



**Figure 2. Army & Air National Guard Installations**  
Source - NGB Domestic Operations Update Briefing dtd May 3 2004

The Air National Guard (ANG) is a combat ready force, over 99,000 strong, immediately available for mobilization and worldwide deployment. Located within all fifty states, districts and territories and supported by over 24,000 full time civilian technicians and National Guard members on active duty, ANG units provide air defense, tactical fighter, aerial refueling, tactical airlift, reconnaissance, communications, electronics, weather surveillance and aero medical capability for NORAD's apportioned 1<sup>st</sup> Air Force. The nine ANG fighter wings, organized around standardized operations, maintenance and mission support groups, support three CONUS air defense sectors for the Northeast, Western and Southeast regions of the country. Each wing contains at least one air to air superiority squadron, equipped with modernized fighters, interceptors, tankers, reconnaissance, airlift and forward air control aircraft; available to support worldwide U. S. Air Force contingencies in both mobilization and non-mobilization statuses.

Like the ARNG, the ANG is commanded by state governors through their Adjutant Generals during peacetime (most, although not all, state TAG's command both ARNG and ANG units within their respective state areas). All ANG units are assigned for mobilization purposes to active

Air Force major commands that advise, establish training standards and conduct inspections. After mobilization, units assume proposed location in the organizational structure of the gaining force command (GFC). Comprising twenty-six percent of the Air Force's Tactical Air Command strength and sixty-six percent of the interceptor fleet, the ANG provides a major portion of the air defense capability for the Continental United States and includes the entire air defense dimension for the Hawaiian Islands.

“Vanguard Engagement Strategy” is the ANG's vision for participation with the Air Force and DoD's “transformational” construct. Similar to ARNG initiatives, “Vanguard” is a future “Total Force” initiative designed to improve readiness, limit redundancy and leverage capabilities of the organization to support emerging Air Force mission requirements. Particular improvements include: mega basing (combining like and disparate units on a single base), association (integration of Guard personnel with active duty units to improve operational readiness) and outsourcing of traditionally non-military functions.<sup>11</sup> All are designed to support the active component's global focus in support of expeditionary operations.

While it's potential as a national reserve is planned for / utilized by the National Command Authority during crisis, the National Guard of each state remains constitutionally a state force under the command of the governor. These dual state and federal missions are set forth in National Guard regulation and codified in law (see Annex A). The state mission mandates a requirement to provide units that are organized, equipped and trained to function for protection of life, property, preservation of peace, order and public safety under competent order of federal and state authority. The Army and Air National Guards are administered for federal contingency by the Secretary of Defense through the National Guard Bureau (NGB).

The National Guard Bureau is both a staff and operating agency. A joint organization (bureau of both the Departments of the Army and Air Force), it formulates and administers programs for development and maintenance of Army and Air Guard units within each state, Puerto Rico, the U. S. Virgin Islands, the District of Columbia and Guam in accordance with policies established by the active components. Currently, fiscal and administrative responsibility to train and equip the force rests primarily with this organization.

The NGB's current Chief, LTG H. Stephen Blum, was appointed in May 2003 and immediately reestablished the Guard's number one priority "as security and defense of our homeland, both here and abroad."<sup>12</sup> While most immediate Guard organizational improvements are oriented towards providing increased expeditionary and interoperable capability, future terrorist threat to CONUS and the Guard's potential role was not entirely ignored. To assist with this endeavor, the Office of the Secretary of Defense (OSD) created an internal Homeland Defense (HD) Department and appointed an assistant secretary (currently Paul McHale) to coordinate these program initiatives.

#### **CURRENT NATIONAL GUARD HOMELAND DEFENSE INITIATIVES**

*"The survival of the Army National Guard in the 21<sup>st</sup> Century will depend on how successful we integrate with the active component as a seamless Army."* Major General Allen Thackett, Adjutant General, West Virginia National Guard <sup>13</sup>

The underlying goal of the current administration's strategy is to avert recurrence of attack upon American soil. The methodology for implementation include concepts for increasing perimeter security of the borders, preventive measures within the country, protection of high value domestic infrastructure and finally, consequence management in the event of attack (mitigation of effects and recovery).<sup>14</sup> These objectives span the spectrum of the accepted subsets of homeland security, to include "homeland defense" (protection of territory, domestic population and critical infrastructure) and "civil support" (consequence management and recuperation from disaster).<sup>15</sup>

Under LTG Blum's stewardship and Defense Secretary Rumsfeld's direction, the NGB initiated several organizational improvements to more effectively align the Guard to a homeland defense construct. These proposals are summarized below:

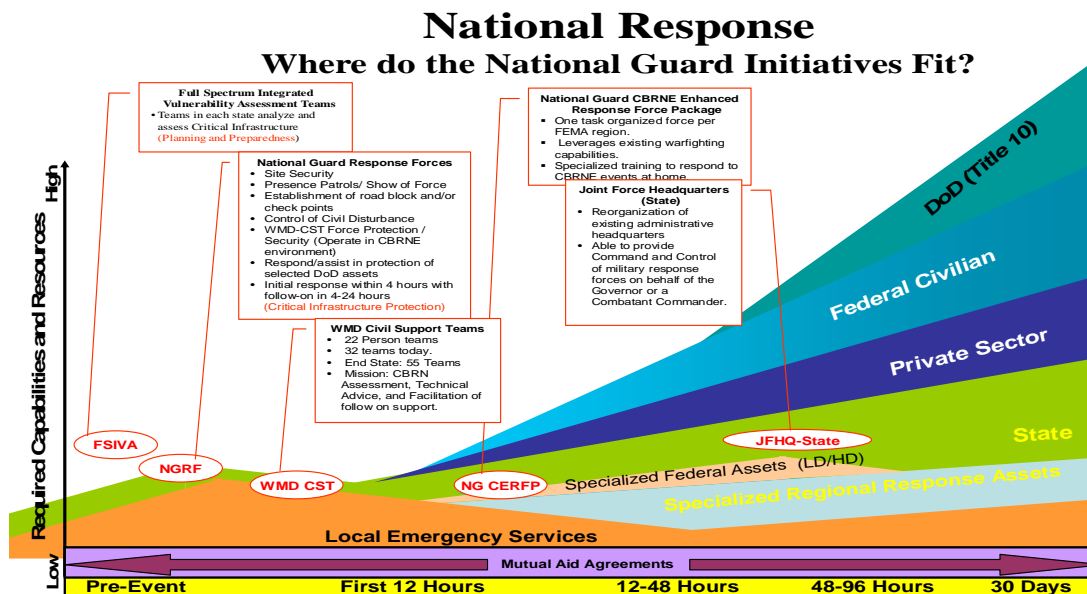
**FULL SPECTRUM VULNERABILITY ASSESSMENT TEAMS** – Planning and preparedness teams dispatched from the NGB to analyze critical infrastructure.

**NATIONAL GUARD RESPONSE FORCES** – Creation of quick reaction forces by each Adjutant General for rapid response (four to twenty-four hours), protection of critical infrastructure and select DoD assets.

**WMD CIVIL SUPPORT TEAMS** – Creation of fifty-five, twenty-two man Chemical, Biological, Radiological and Nuclear (CBRN) Evaluation Teams (one per state) to provide assessment, technical advice and facilitation to follow-on support governmental agencies.

**CBRNE ENHANCED RESPONSE FORCE PACKAGE** – Patterned after the USMC's CBIRF model, one team per yet to be determined region(s) to leverage existing warfighting capabilities to respond to WMD events at home.

**JOINT FORCE HEADQUARTERS STATE (JFHQ)** – Reorganization of existing Army National Guard State Area Commands (STARC) headquarters to align/interface with the Joint Staff on behalf of the Combatant Commanders.<sup>16</sup>



**Figure 3. National Guard HD Initiatives**

Source - NGB Domestic Operations Update Briefing dtd May 3 2004



All five OSD (HD) “transformational” projects are designed to function in accordance with the constructs outlined in DoD Directive 3025.1, *Military Assistance to Civil Authorities* (MSCA). The underlying theme of this 1993 instruction, establishing the basis for all Title 10 (federal) assistance to other non-military governmental agencies, instructs that “the scope of MSCA in each geographical area will depend upon the commitment of military resources to military operations” and “must foster close and continuous cooperation” with all DoD components.<sup>17</sup> This policy, originally enacted to ensure joint interoperability among services and efficient application of resources for all contingencies, does not necessarily assure the NGB a role during homeland security crisis.

The Total Force Policy approach, implemented by Defense Secretaries Laird and Schlesinger in the 1970’s, still functions today as the Pentagon’s primary method for “integrating the Active, Guard and Reserve forces into a homogeneous whole.”<sup>18</sup> Capabilities, rather than units, are apportioned /assigned via the JSCP to the COCOM’s for OCONUS force employment. The same construct is currently planned in the event of homeland crisis. Most AR and ANG units, predominantly trained and equipped to mirror the active component, remain linked to the active force through the Roundout / Affiliation / CAPSTONE Programs. Almost 210,000 National Guardsmen have deployed overseas in support of nation’s current “War on Terrorism” since 9/11, with four ESB’s currently conducting operations to support *Operation Iraqi Freedom* in theater.

During his confirmation hearing with the Senate Armed Service Committee on 30 January 2003, Secretary McHale emphasized the necessity to retain “balance” with these proposed HD missions, in the sense Guard members acquire equal levels of training for this new role in addition to preparedness for potential overseas contingency. While recognition of having two different “readiness/training standards” for units designated with a Homeland Defense mission was

accepted, he emphasized the purpose was to “reorganize existing force structure” to accommodate a warfighting requirement. The “away vs. home game” analogy was discouraged, because it automatically made people think in terms of active vs. reserve component requirements and overseas vs. domestic contingency.<sup>19</sup>

### **RECOMMENDATIONS**

*“Nothing the military has been asked to do since World War II is as important as the task we face today – fighting the war on terrorism...”* Secretary of Defense Donald Rumsfeld, 30 July 2003.<sup>20</sup>

President Bush’s post 9/11 National Security Strategy, recognizing the nation’s shifting defense paradigm, advocates a robust policy of “preemption” to address America’s adversaries overseas. The current “War on Terrorism” construct directly supports the homeland security goals of prevention (elimination of foreign threat) while organization of the Department of Homeland Security addresses perimeter safeguards (Border and Transportation Security Directorate) and long term consequence management (Emergency Preparedness and Response Directorate - FEMA). Reliance upon local first responders and civilian law enforcement is assumed for protection of property and immediate disaster relief, however.

OSD (HD) initiatives, while a step in the right direction (especially in the realm of WMD survey and response), are compromise enterprises limited in both scale and scope. They are, first and foremost, designed to provide the Joint Staff a specialized “capability based” option for employment (or deployment) in support of Combatant Commander requirements. Core training and expertise will, for the immediate future, reside with full time support (FTS) personnel at the small unit level, as OIF mobilization rotations and preparation for primary warfighting missions continue to occupy the preponderance of available drill and active duty for training periods. Today, as throughout her history, the NG’s readiness is still measured largely by the effectiveness of it’s combat units and ability to “mirror” the active duty component.

One of the overriding themes of Guard history is the organization's ability to evolve with regard to personnel, force structure, weapons and training. Recognizing the nation's security construct has changed as well, an update to the organization's employment methodology is proposed. The following suggestions leverage the Guard's inherent relationship with local communities, provide focus and standardization for preparation within the limited training time available and responsive capabilities for service in lieu of current legal parameters.

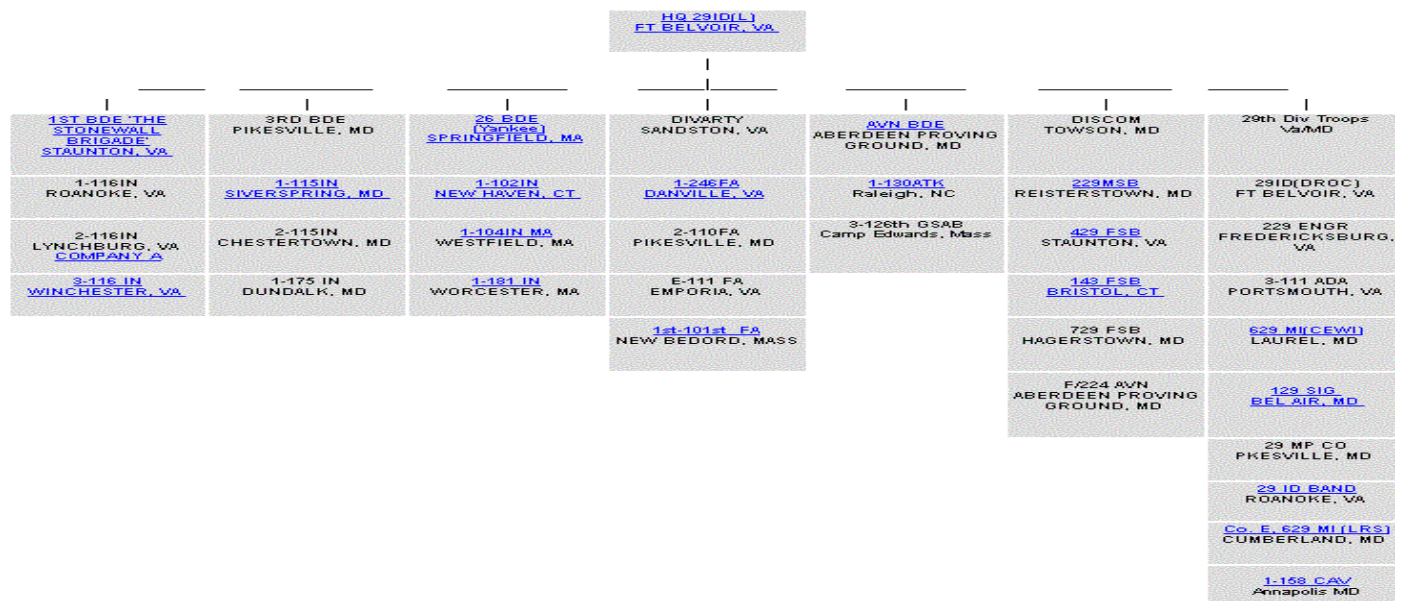
### **“REGIONALIZE” THE NATIONAL GUARD**

Strict peacetime state control over the National Guard is a vestige of a defensive colonial militia system, designed by the Constitution's framers to not only provide protection against foreign incursion but also assuage fear of the standing professional army. Although the Guard assuredly still performs a vital local law and order function during crisis, the nature of the current threat requires consolidation of resources. In financial terms alone, less than ten percent of the Guard's funding comes from State Active Duty monies. The remaining ninety percent is provided by Washington, mostly spent preparing the Guard for readiness as part of the “Total Army.”<sup>21</sup>

In their state capacity, NG units comprise fifty-four separate armies and air forces under the command and control of the governor and TAG. Many factors, to include historical lineage, affiliation and requirements of the Total Army created today's National Guard employment disposition and command structure. In general, although there are pronounced exceptions, ARNG division force structure resides within a particular state or proximate geographic area. ESB's (greater readiness standards for deployment contingency, self contained combat arms maneuver elements without division support CS and CSS) consist of formations assigned from disparate CONUS locations. Divisions seldom (if ever) train as homogeneous units, ESB's are “teamed” with CONUS-based active component divisions for peacetime exercise enhancement or

“roundout” contingency. ANG detachments are habitually related to 1<sup>st</sup> Air Force (responsible to NORAD for CONUS defense) or apportioned to support an active associate unit.

For example, the famous National Guard 29<sup>th</sup> “Blue and Gray” Light Infantry Division, a vestige of World War II wartime mobilization, today consists of unit components spread across the communities of Virginia, Maryland and interestingly, New England (Massachusetts and Connecticut) – see Figure 3. Virginia to this day possesses a preponderance of the Division’s Field Artillery Brigade (consolidated elements of the 224<sup>th</sup>, 246<sup>th</sup>, 111<sup>th</sup> Field Artillery) and the famed “Stonewall Brigade” (116<sup>th</sup> Infantry Brigade), but lacks rotary wing and service support assets. Maryland units contain an infantry brigade, preponderance of the aviation lift (29<sup>th</sup> Aviation Brigade) and the Divisional Direct Support Command (DISCOM); assets possessing tangible dual-use capability for civil response at home. Within the immediate vicinity, the District of Columbia Army National Guard (units not assigned to the 29<sup>th</sup> ID) includes air medical evacuation and military police elements (121st Medevac Air Ambulance and 260<sup>th</sup> MP Command respectively

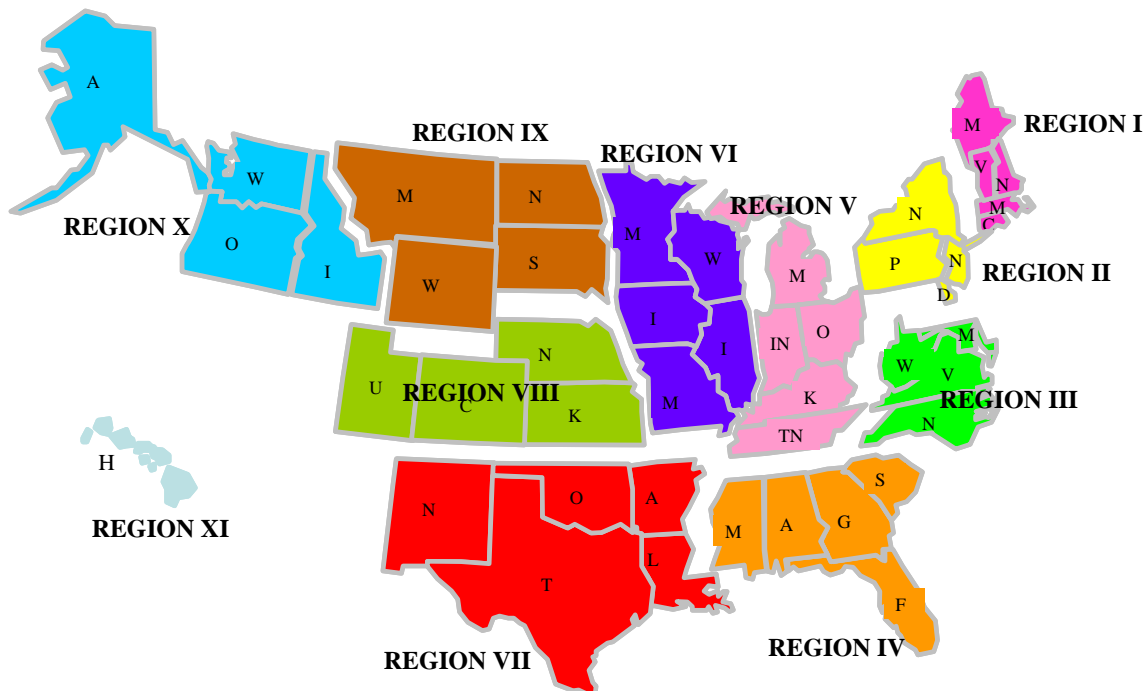


**Figure 4. 29<sup>th</sup> Infantry Division (Light)**  
Source – USARNG 29<sup>TH</sup> Infantry Division Website<sup>22</sup>

Reorganization of units assigned to this division, within reasonable proximity and supporting distance to one another, would exponentially increase employment options and assure unity of effort for training and response within the immediate geographic area.

Currently, coordination of capabilities between states is restricted by law, funding status and state governmental politics unless Congress invokes Title 10 authority or the President declares a national emergency. A regionalized (vice state) construct would eliminate most management and political consideration issues. Since Washington already funds most National Guard training and employment (Title 32 training and for mobilization purposes, Title 10), fiscal considerations are not paramount. While purists will argue violation of Clause 16 of the Constitution,<sup>23</sup> use of the National Guard in state active-duty status (while in federal pay status under Title 32) permits military forces (under the control of a Governor through the TAG) to assist civil authorities in executing all laws - federal, state and local - without violating the *Posse Comitatus* Act (see Annex A).

For training purposes, consolidation would promote geographic area specialization and habitual relationships between units. A regional reorganization of the current STARC / TAG structure, similar to the FEMA districting construct, would consolidate resources where needed and promote more efficient communication between the Guard and potential supported Combatant Commander (NORTHCOM) in the event of homeland crisis.



**Figure 5. NG Districting Proposal**

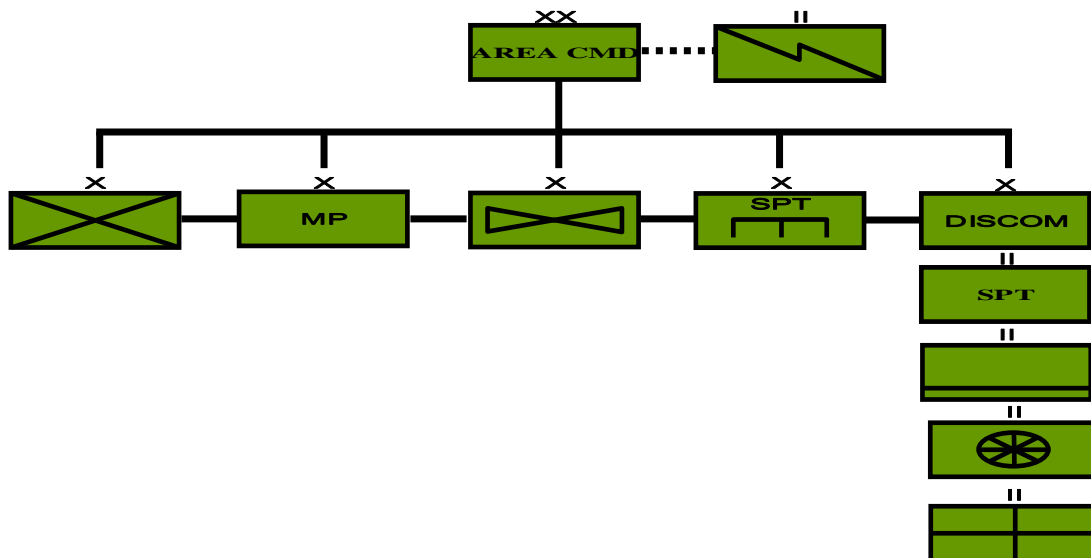
This suggestion, changing the State Area Command to a Regional Area Command, reduces the existing fifty four standing headquarters to eleven; one per region. Additionally, within all but four regions (I, IV, IX and X), at least one divisional headquarters element currently resides. For homeland employment, these regional commands become standing joint task force headquarters; the resident division and composite aviation elements the land and air component commands respectively.

#### **LEVERAGING CAPABILITIES TO CONSEQUENCE MANAGEMENT CONSTRUCT**

Although the Guard's federal mission today bears little resemblance to the role of colonial militia, the infrastructure from which the organization must perform remains conceptually unchanged. As an integral part of the globally extended United States Army and Air Force, with significant offensive capability, the Guard is certainly more than a defensive reserve force in readiness. Recognizing the United States currently lacks a peer military competitor capable of direct invasion and the unconventional threat to the homeland presented by rogue terrorist

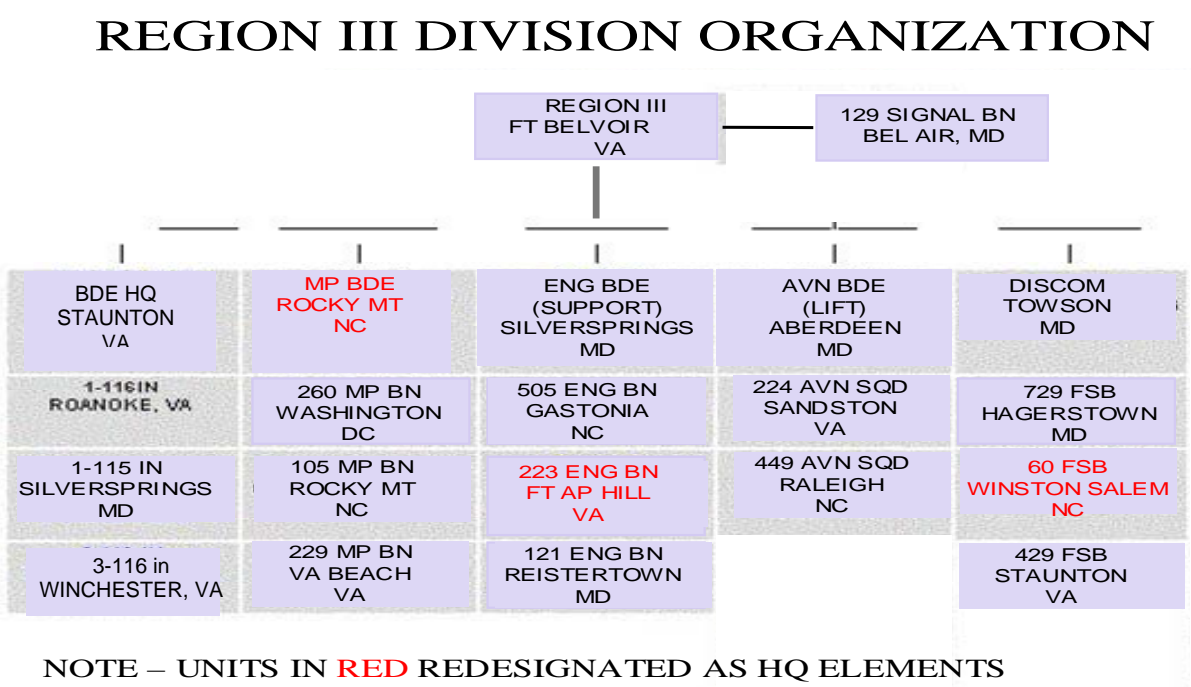
networks, the DHS Security Directorate and local law enforcement naturally provide initial protection and regulatory capability.

The overwhelming “delta” within CONUS exists in the realm of consequence management. This mission, the Guard’s contemporary state active duty function (SAD and Title 32 authority) during local emergency, should become the force’s essential task. Under this construct, the Pentagon’s current initiative to realign all ARNG into deployable “brigade sets” is replaced by regional consolidation of core “capability sets” within the regional area divisions for training and employment within the assigned area. Structure consists of a constulbary security element (one infantry and one military police brigade), engineering, medical evacuation/treatment, aviation and emergency supply services. These “capability sets” nest directly and complement DHS federal resources, providing a timely, localized homeland response to attack. Additionally, this capacity translates more effectively to a natural disaster response potential for affected communities (the Guard’s current state mission), perhaps creating more favorable inducement for politicians to advocate this change when presented with resistance from “Total Army” proponents within DoD.



**Figure 6. Proposed NG Area Command Structure**

This revised profile does not require mechanized infantry brigades, M-1 tanks, artillery or the sophisticated electronic warfare equipment. Unit redesignation and training will require time and resourcing, although probably not to the degree supposed at initial glance. In the interim, enough units exist within the regional construct proposed and most others possess enough “dual-purpose” capability to contribute. An adjusted “Region III” organizational structure (includes many elements of the 29<sup>th</sup> Infantry Division) is provided for illustration.



**Figure 7. Proposed Region III Reorganization**

At the heart of this argument is the time honored belief in battle focus; to train, organize and equip during peacetime in the same manner as one will fight/employ. Because Guard units have less time (forty-eight IDT periods and one, consecutive two week training period per year) and generally fewer resources, a conscious effort to reduce the number of vital tasks to a minimum (to establish proficiency) is all the more important. A homeland focus and stability of mission offers opportunity for Guard direct interface with the local first responders and the federal emergency management infrastructure of the DHS during training exercises. If defense of the homeland is



truly as important as our National Command Authority states, this proposed National Guard reorganization addresses the most noticeable capabilities gap within DoD's current construct.

## **APPORTION / ASSIGN THE NATIONAL GUARD TO NORTHCOM**

As previously discussed, the President authorized creation of Northern Command following the events of 9/11, with responsibility for the air, land and sea defense of the United States and contiguous areas of Canada, Mexico, parts of the Caribbean and surrounding Atlantic and Pacific Ocean waters. Within NORTHCOM, a standing Joint Force Headquarters for Homeland Security (JFHQ-HLS) was established to coordinate homeland security response in the event of attack and integrate the full spectrum of military capability to support other lead federal agencies (primarily FEMA). While an OPLAN for defense of the continent is still in the staffing phases and will remain classified, it is understood that force planners will include only a limited number of National Guard elements for initial response due to Title 10 mobilization restrictions.<sup>24</sup>

National Guard regional reorganization of the separate STARC/JFHQ and creation of modular capability sets provide NORTHCOM an optimal military response and recovery balance capacity. The NGB assumes complete responsibility to train and equip this force (currently shared with the active duty Army), while District/Regional Guard Headquarters provides plug-in to NORTHCOM's JFHQ-HLS. The ANG, already apportioned to NORAD for continental air defense, retains this specific role. As the gaining force commander (GFC) for the Guard, NORTHCOM assumes latitude to tailor capability readiness exercises under the most permissive environment available today – within the area a potential attack will occur and with the apportioned forces allocated for response.

## **CONCLUSION**

*“The Guard and Reserve will achieve their full national defense potential only if opportunities for innovation are periodically and systematically examined.”* Former Department of Defense Reserve Affairs Official James L. Gould (1985).<sup>25</sup>

The current National Guard has two roles – one as the constitutional militia in 54 states, territories and DC and the other as Reserve Components of the Army and the Air Force. These are approximately 460,000 citizen-soldiers - Americans with families and full-time careers who also dedicate some weekends, weeknights and several weeks each year to put on a military uniform and practice the skills needed to keep America strong and ready. This dual state/federal role for the National Guard is based on Constitutional mandate and codified into law. The relationship is unique and sets the National Guard apart from other military reserve forces. The root for this dual role began with militia forces of earliest colonial America and remains an essential part of our national security today.

The 21<sup>st</sup> Century threat to the homeland presents unique challenges to America’s security establishment and necessitates an update to the role and mission assigned our National Guard forces. Current DoD initiatives to maintain Cold War Roundout / Affiliation Programs and redesign traditional divisional organization into deployable brigade sets ignores the Guard’s potential, usefulness and traditional mandate to protect the homeland. While HSD and the NGB have planned several “stop-gap” programs to address immediate internal deficiencies, a more comprehensive construct is required – dedication of the Guard’s purpose entirely to homeland security. Specifically, a consequence management response posture is proposed, with “regionalization” of the National Guard’s command structure and assets providing “capability sets” centered on security, engineers, transportation, medical, aviation and emergency supply service units to provide immediate relief for affected communities and establish conditions for federal follow-on emergency management services. Because the

newly created NORTHCOM retains DoD responsibility for security of the North American continent, it simply makes sense to apportion and/or assign these Guard forces to this combatant commander for this purpose.

While “Total Army” supporters might argue against this idea on grounds of current operational tempo abroad, legality of employment authorities and cost of implementation, the fact remains most are simply loathe to dedicate DoD resources to anything less than a warfighting composition. The immediate threat to the homeland requires a deeper examination of the National Guard’s potential based upon contemporary, not eighteenth-century national policies and interests. The changes recommended combine the Guard’s traditional foundation of service to the community with immediate relevancy; “capable and accessible when called...committed to preserving the timeless traditions and values of service to the nation...”<sup>26</sup>

## ANNEX A

### **State Active Duty (SAD)<sup>27</sup>**

Personnel are in a National Guard-only status and controlled by their respective state governors. Units perform responsibilities authorized by state law, such as responding to local emergencies, natural disaster (small scale) and civil disorder. Funding is provided from state budget. While in a state active duty status, members of the unit are not subject to law enforcement restrictions mandated by the *Posse Comitatus Act of 1878* and may freely collaborate in activities related to law enforcement.<sup>28</sup> The National Guard is the only military force the Governor commands during disaster or emergency. When not mobilized or called to federal duty by the President, the Guard reports to the governor of its respective state or territory, or in the case of the District of Columbia, the Commanding General. Each of the fifty-four National Guard organizations is supervised by the Adjutant General (TAG) of the state or territory.

### **U.S. Code Title 32 (State Status, Federally Funded)<sup>29</sup>**

On August 10<sup>th</sup>, 1956, Congress enacted Title 32 of the U.S. Code (USC). This legislation affirmed state governor control of individual state National Guard forces, but provided provisions for disbursement of DoD funding. With Title 32 authority, the National Guard has a federal mission. Federal recognition is required and associated funding subject to applicable federal standards. Duties performed typically include weekend drills of inactive duty training (IDT) and annual training (AT). This authorization precludes Guard military support to civil authorities (MSCA), but interestingly, allows the Guard to operate without the restraints placed on the active duty military by *Posse Comitatus*. The governor and TAG retain operational control. This status was utilized by Guard forces for post 9/11 airport security. While in state status, the mission of the National Guard is to maintain well-trained, well-equipped units available for prompt mobilization during war and provides assistance during national emergencies.

### **U.S. Code Title 10 (Federal Status)<sup>30</sup>**

Title 10 of the USC was enacted to provide guidance on the handling of the military in time of war and national crisis. Under this authority, Congress may “federalize” Guard units or personnel through Presidential call-up and it becomes part of the regular forces under his command. If acting in a federal status, the state Governor relinquishes control over the National Guard forces in his/her state. Personnel are subject to the Uniform Code of Military Justice (UCMJ) and *Posse Comitatus*. In this capacity, the National Guard serves as a strategic reserve with federalized units incorporated into the U. S. Army and Air Force.

## **ENDNOTES**

- <sup>1</sup> Secretary of Defense Donald Rumsfeld. *Report of the Quadrennial Defense Review*. (Washington, D.C.: U. S. Department of Defense, September 2001), p. 17.
- <sup>2</sup> *National Security Strategy of the United States of America*. (Washington, D. C.: The White House, September 2002), p. 6.
- <sup>3</sup> Military Support to Civil Authorities (MSCA): Those activities and measures taken by the Department of Defense Components to foster mutual assistance and support between the Department of Defense and any civil government agency in planning or preparedness for, or in the application of resources for response to, the consequences of civil emergencies or attacks, including national security emergencies. Source - *Department of Defense Directive 3025.1*, January 15, 1993, Enclosure 2 (E2.1.21), 25. [http://www.dtic.mil/whs/directives/corres/pdf/d30251\\_011593/d30251p.pdf](http://www.dtic.mil/whs/directives/corres/pdf/d30251_011593/d30251p.pdf), (22 November 2004).
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- <sup>7</sup> Doubler, pp. 348-52. The BUR established the ARNG's fifteen ESB's as priority deployment units to support the "two MRC contingency" employment strategy.
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- <sup>10</sup> Discussion of federal (Title 10) and state (Title 32) authorities is contained in ANNEX B.
- <sup>11</sup> "Vanguard Engagement Strategy," Air National Guard Website, <http://www.ang.af.mil/VANGUARD/ESPostSLCO3.pdf>, (28 January 2005).
- <sup>12</sup> Lieutenant General H Steven Blum, Chief, National Guard Bureau. *National Guard 2005 Posture Statement, Executive Summary*.
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- <sup>14</sup> Michael E. O'Hanlon, et al. *Protecting the American Homeland – One Year On*. (Washington, D. C.: Brookings Institution Press, 2003), p. 3.
- <sup>15</sup> Richard B. Myers, Chairman, Joint Chiefs of Staff, Memorandum for all CINCs, Chiefs of Staff and Commandants, Subject: Terms of Reference (TOR) for Establishing US Northern Command, 7 March 2002, Enclosure, p. 4.
- <sup>16</sup> Source - January 04 Brief by LTG Blum to NORTHCOM.
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- <sup>19</sup> Anonymous. "Incoming Pentagon Official: Guard Destined for Bigger Homeland Role," in *National Guard*, Vol. 57, Issue 2. (Washington: NGAUS, 2003), p. 10.
- <sup>20</sup> Anonymous. "Rumsfeld gives Blum, Bureau Thumbs-Up," in *National Guard*, Vol. 57, Issue 7. (Washington: NGAUS, 2003), p. 14.
- <sup>21</sup> Major General (Retired) Carroll Thackston, TAG, Virginia National Guard 1994-1998, interview by the author, 13 November 2004.
- <sup>22</sup> USARNG 29<sup>th</sup> Infantry Division Website, <http://www.29thinfantrydivision.com/>, (30 January 2005).
- <sup>23</sup> *The Constitution of the United States*. Article 1, Section 8, Clause 16.
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<sup>28</sup> The 1878 Posse Comitatus Act restricts the participation of federal military forces in domestic law enforcement activities. Arrest and detention of criminal suspects, search and seizure activities and gathering evidence for use in court are prohibited under this legislation. National Guard troops in Title 32 status under the control of the Governor are not restricted in this manner. Detailed discussion of the Posse Comitatus Act is contained in *The Posse Comitatus Act and Related Matters: Current Issues and Background* by Bonnie Baker, Jennifer Elsea and Charles Doyle, (New York: Novinka Books, 2004), pp. 48-55 and 58-9.

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<sup>30</sup> The entire U.S. Code Title 10 and restrictions is listed at <http://www.access.gpo.gov/uscode/title10/title10.html>, (8 January 2004).

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